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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION**

**MEMORY INTEGRITY, LLC,**

Case No. 3:15-cv-00262-SI

Plaintiff,

v.

**MOTION TO REQUEST STATUS  
CONFERENCE (LR 16-2(c))**

**INTEL CORPORATION,**

**Expedited Consideration Requested**

Defendant.

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## **LR 7-1 COMPLIANCE**

Pursuant to LR 7-1, the parties made a good faith effort by telephone conference to resolve this dispute. Plaintiff Memory Integrity LLC (“MI”) does not object to having a status conference regarding the Court’s preferences for conducting the Markman hearing, but does object to the other topics that defendant Intel Corporation (“Intel”) would like addressed in the status conference, as discussed below.

## **MOTION**

Pursuant to Fed. R. Civ. P. 16 and LR 16-2(c), Intel moves for a status conference on November 10, 2015, to discuss issues related to the Markman hearing, discovery, and summary judgment. Expedited consideration of this motion is requested because the parties’ lead lawyers will be in Portland on November 10, 2015, for the Court’s already scheduled hearing on Intel’s Motion for Judgment on the Pleadings (Dkt. 108) and Intel’s Motion to Limit the Number of Asserted Claims (Dkt. 115).

### **I. THE MARKMAN HEARING**

Both Intel and MI seek the Court’s guidance on how the Markman hearing will be conducted on December 11, 2015. For example, the parties would like to discuss: (1) how long the Markman hearing will be; (2) whether the Court will allow a technical tutorial as part of the Markman hearing; and (3) the format for the hearing itself. In preparing for the hearing, the parties would benefit from the Court’s guidance on these issues.

### **II. DISCOVERY**

Regarding deposition hours, Intel has requested that MI allow Intel more than one day to depose MI’s only fact and Rule 30(b)(6) witness, Mr. Brent Farney. MI has rejected Intel’s request, however, and insists that it will only make Mr. Farney available for deposition for a single day. Given the complexity of this case and the number of disputed issues, Intel will require more than one day to depose Mr. Farney. In addition, MI’s refusal to make its only witness available for more than one day imposes a disproportionate discovery burden on Intel.

Indeed, MI likely will seek to depose more than one Intel witness and thus would ultimately take significantly more hours of deposition time. In fact, the Scheduling Order allows the parties to each take 100 hours of fact depositions (Dkt. 23), but MI insists that Intel should only be allowed 7 hours total to depose MI's only fact witness. Intel would like to resolve this issue before the parties continue to move forward in the deposition phase of the case. MI does not wish to address this issue at the status conference.

### **III. SUMMARY JUDGMENT**

Intel also would like to discuss the Court's willingness to consider early motions for summary judgment. Intel believes that there are dispositive issues in this case that could be resolved on summary judgment and thus eliminate substantial unnecessary litigation.

### **IV. CONCLUSION**

Intel respectfully requests a status conference on the afternoon of November 10, 2015, to address the issues discussed above.

DATED this 19th day of October, 2015.

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